

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 08-170 (Emergency Management – Tropical Storm Fay)

I am issuing this Executive Order to declare a state of emergency due to the threat that Tropical Storm Fay imposes to the State of Florida and to ensure that timely precautions are taken to protect communities and the general welfare of this state. The National Hurricane Center projects that Tropical Storm Fay will continue moving westward and will be a threat to much of Florida in the coming days. The official forecast indicates that Fay may reach Category 1 hurricane intensity on Sunday evening before moving across central Cuba. Tropical storm force winds could reach the lower and middle Florida Keys by noon on Monday. Hurricane or tropical storm watches may be posted for the Florida Keys later tonight or early on Sunday.

As Governor it is my responsibility for meeting the dangers presented to this state and its people by this emergency. Therefore, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the State Emergency Management Act, and all other applicable laws, I promulgate the following Executive Order:

Section 1. Based on the foregoing, I declare that this event threatens the State of Florida with a major disaster. I therefore declare a state of emergency exists in the entire state.

**Section 2.** I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him or her to activate the state's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Office shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. If necessary, invoke and administer the Emergency Management Assistance Compact, Part III, Chapter 252, Florida Statutes, and other compacts and agreements existing between the Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the needs created by this emergency, and to place all such personnel under the direction and coordination of the State Coordinating Officer to meet this emergency.

D. Designate such Deputy State Coordinating Officers.

The State Coordinating Officer shall have the authority to enter such orders as may be needed to implement any or all of the foregoing powers.

Section 3. I order the Adjutant General to activate the Florida National Guard for the duration of this emergency, and I place the National Guard under the coordination and direction of the State Coordinating Officer for the duration of this emergency.

Section 4. I also find that the special duties and responsibilities resting upon some state, regional and other state governmental bodies in responding to the emergency may require them to deviate from the statutes, rules, and orders they administer, and I give such agencies and other governmental bodies the authority to take formal action by emergency rule or order in accordance with section(s) 120.54(4) and 252.46(2), Florida Statutes, to the extent that such actions are needed to cope with this emergency. Without limiting the generality of the foregoing, I order the following:

A. I give all state agencies whose employees are certified by the American Red Cross, as disaster service volunteers within the meaning of section 110.120(3), Florida Statutes, the authority to release any such employees for such service as requested by the American Red Cross as needed to meet the emergency.

B. I authorize the Department of Transportation to waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties; to reverse the flow of traffic or close any and all highways and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties which the State Coordinating Officer may designate as destination counties for evacuees in this emergency; to suspend enforcement

of the registration requirements pursuant to section(s) 316.545(4) and 320.0715, Florida Statutes for commercial motor vehicles that enter Florida to provide emergency services, or transport equipment or personnel; to waive the hours of service requirements for such vehicles; and to waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services, to the extent such waivers are needed to meet this emergency. The Department shall also have the authority to waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services and supplies or fallen timber for harvesting, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. In doing so, the Department shall issue permits and such vehicles shall be subject to such special conditions as the Department of Transportation may endorse on any such permits. Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order or other legal requirement not specifically waived herein or by supplemental order by the State Coordinating Officer.

C. I authorize the Executive Director of the Department Highway Safety and Motor Vehicles to suspend the International Registration Plan requirements pursuant to section 320.0715, Florida Statutes, and the license fees or taxes imposed on vehicles pursuant to Chapter 207, Florida Statutes, as its relates to commercial motor vehicles that

enter Florida to provide emergency assistance or services, or transport emergency equipment or personnel.

D. In accordance with section 465.0275, Florida Statutes, any pharmacist in areas or counties covered under this Executive Order are authorized to dispense up to a 30-day emergency prescription refill.

E. Pursuant to section 252.36(5), Florida Statutes, I give all state agency heads, regional and other state governmental bodies the authority to suspend the effect of any statute, rule or order, to the extent needed to procure any and all necessary supplies, commodities, services, temporary premises, and other resources, include, but not limited to, any and all statutes, rules, ordinances, or orders which affect budgeting, leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees, but any statute, rule or order shall be suspended only to the extent necessary to ensure the timely performance of disaster response functions as prescribed in the State Comprehensive Emergency Plan, or as directed by the State Coordinating Officer; however, any waiver of statutes, rules, or ordinances governing travel shall expire in thirty (30) days from the date of this Executive Order unless extended (in increments of no more than thirty days) by the agency.

F. I give all state agency heads responsible for the operation and public use of state buildings and facilities the authority to close such buildings and facilities in those portions of the state affected by this emergency, to the extent to meet this emergency.

G. I give all state agency heads, regional and other state governmental bodies the authority to abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes

or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

Section 5. I designate all state, regional and local governmental facilities including, but not limited to, all public elementary and secondary schools, all Community Colleges, and all State Universities, at the discretion of the State Coordinating Officer for use as shelters to ensure the proper reception and care of all evacuees.

Section 6. I find that the demands placed upon funds regularly appropriated to state and local agencies may be inadequate to pay the costs of this disaster. In accordance with section 252.37(2), Florida Statutes, I direct the transfer of sufficient funds from any unappropriated surplus or from the Budget Stabilization Fund.

Section 7. All state agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously.

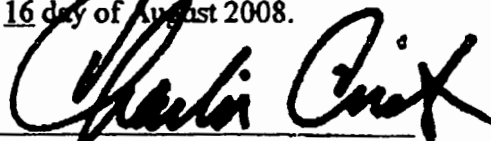
Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204 for a person to rent or sell or offer to rent or sell at an

unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty (60) days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 16 day of August 2008.

  
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CHARLIE CRIST

ATTEST:

  
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DEPARTMENT OF STATE



FILED

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA